IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

WP(C).No. 33544 of 2006(R)

PETITIONER:

SRI.M.CHANDRASEKHARAN,
S/O.KRISHNAN, MATTUVAYAL HOUSE,
P.O.ELATHUR, CALICUT.

BY ADV. SRI.SUBHASH CYRIAC

RESPONDENTS:

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1. STATE OF KERALA,
REP. BY SECRETARY TO DEPARTMENT OF CO-OPERATION,
THIRUVANANTHAPURAM.

2. THE CALICUT CO-OP. URBAN BANK LTD.
NO.1538, KALLAI ROAD,
KOZHIKODE.

3. THE JOINT REGISTRAR,
CO-OP. SOCIETIES, KOZHIKODE.

4. SMT.SURYASUDHA,
D/O.DIVAKARAN,
ECHANPALLI CHEMPALA,
KALLAI, KOZHIKODE.

BY ADV. SRI.M.ASOKAN
SRI.DEVAPRASANTH.P.J.
SRI.TOJAN J. VATHIKULAM
GOVERNMENT PLEADER SRI.BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE NOTICE DATED 19.10.2005 ISSUED BY THE 2ND RESPONDENT.

EXT.P2: COPY OIF THE REPLY DATED 15.07.2006 SENT BY THE PETITIONER.

EXT.P3: COPY OF THE LETTER SENT BY THE 2ND RESPONDENT.

EXT.P4: COPY OF THE LETTER SENT BY THE PETITIONER TO THE RESPONDENTS.

EXT.P5: COPY OF THE LETTER DATED 06.09.2006 ISSUED BY THE 2ND RESPONDENT.

EXT.P6: COPY OF THE LETTER DATED 07.10.2006 ISSUED BY THE 2ND RESPONDENT.

EXT.P7: COPY OF THE LETTERS ISSUED BY 3RD RESPONDENT.

EXT.P8: COPY OF the LETTERS ISSUED BY 3RD RESPONDENT.

EXT.P9: COPY OF THE SALE NOTICE DATED 23.8.2006.

EXT.P10: COPY OF THE NOTICE DATED 7.12.2006 ISSUED BY THE 2ND RESPONDENT.

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BKN // TRUE COPY//

P.A. TO JUDGE.

S.SIRI JAGAN, J.
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W.P.C. No. 33544 OF 2007

Dated this the 18th day of June, 2007
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JUDGMENT

The petitioner challenges the proceedings under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (in short the Act). The petitioner's contention is that the property secured is agricultural property and therefore it is exempted from the provisions of the Act. I am of the opinion that this is a matter which the petitioner should take up in an appeal before the Debt Recovery Tribunal as provided in the Act itself. The Supreme Court has held that ordinarily this court shall not interfere with the proceedings under the Securitisation Act under Article 226 of Constitution of India. Petitioner has not brought out any special circumstances warranting interference under Article 226 of constitution of India.

The Writ Petition is accordingly dismissed.

S.SIRI JAGAN
Judge.

bkn